

REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated September 30, 2003, claims 1-20 are pending in the application. Applicants respectfully request the Examiner for a reconsideration.

Claims 1 and 6 stand rejected under 35 U.S.C. §102(e) as being unpatentable over *Lemelson* (6,226,389). Claims 2-3 and 7-9 are also rejected under §103 in view of *Lemelson*. Applicants respectfully traverse.

Claim 1 is directed to a precrash system for an automotive vehicle having a radar or lidar unit that generates an object distance signal and an object relative velocity signal. Claim 1 has been amended to include the decision zone and that the radar or lidar unit generates an object distance signal and an object relative velocity signal from an object within the decision zone. The system also has a vision system that generates an object size signal. This portion of the claim was amended to reflect that the vision sensor confirms the presence of the object within the decision zone. A controller is coupled to the radar unit or lidar unit and the vision unit for activating either the first countermeasure or the first and the second countermeasure in response to the object distance, relative velocity and the object size. The limitations added correspond to the previous limitations of claim 5. Therefore, the amendments to claims 1 and 6 will be described below with respect to claim 5. Likewise, claims 2-3 and 7-9 will also be discussed with respect to claim 5.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Lemelson* in view of *Kosiak* (5,835,007). Applicants respectfully submit that claim 4 is dependent on amended claim 1 and is therefore allowable. The *Kosiak* reference

does not teach or suggest the limitations not suggested by the *Lemelson* or *Shaw* references.

Claims 5, 10-16, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lemelson* in view of *Shaw* (5,314,037). The *Shaw* reference describes a scanning zone as a narrow band directly in front of the system-equipped vehicle. No decision zone as described in the present application is taught or suggested. That is, the scanning zone is described in Col. 3, but no confirmation is provided with respect to the scanning zone using a vision system. Claims 1 and 6 have been amended to recite the confirming aspect. Therefore, claims 1-9 are believed to be allowable since the elements of a decision zone and confirming objects within the decision zone with a vision system are not taught or suggested. It should also be noted that the use of a radar sometimes can lead to erroneous result. For example, aluminum foil wrappers may generate a large object signal. The present invention reduces errors by using the vision system to confirm the presence of the object.

Claim 10 has been amended to describe that the decision zone is a function of the relative velocity. Thus, the decision zone as illustrated has a width that is as wide as the vehicle but the length or distance from the vehicle of the decision zone may vary dependent on the relative velocity of the vehicle as described in paragraph 30 of the present application. Applicants respectfully submit that the *Shaw* reference does not describe a decision zone and furthermore, no teaching or suggestion is provided for modifying a decision zone as a function of the relative speed. Applicants respectfully submit that claim 10 is allowable since no teaching or suggestion is provided in either

reference for a decision zone that is varied based upon the relative velocity. Claims 11-16 and 18 are also believed to be allowable since they are dependent upon claim 10.


Claims 17 and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lemelson* and *Shaw* as applied to claim 10 above, and in further view of *Farmer* (6,085,151). Applicants respectfully traverse.

Claims 17 and 19-20 are further limitations of claim 10. The *Farmer* reference does not teach or suggest a decision zone. The *Farmer* reference also does not teach or suggest varying a decision zone based upon the relative speed. Therefore, applicants respectfully submit that claims 17 and 19-20 are allowable for the reasons set forth above.

In light of the above amendments and remarks, applicants submit that all rejections are now overcome. The applicants have added no new material to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to Deposit Account 06-1510.

Respectfully submitted,


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